

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN ANDRIES BAL, JR.; BUSINESS	:	
WATCHDOG; MERGENT SERVICES,	:	
	:	Case No: 13 Civ. 6794 (CM)
Plaintiffs,	:	
	:	<u>NOTICE OF MOTION</u>
v.	:	
	:	
ITEX CORPORATION; STEVEN WHITE; ERIC	:	
BEST; JOHN WADE; ROBERT BENSON; NYTO	:	
TRADE INCORPORATED; JOHN CASTORO;	:	
IZZY GARCIA,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE THAT, upon this Notice of Motion, the accompanying Memorandum of Law, the Declaration of Jeremy S. Goldman, dated June 9, 2014, the exhibits attached thereto, the Declaration of Steven White, dated June 6, 2014, and the Declaration of Robert Benson, dated June 9, 2014, Defendants ITEX Corporation, Steven White, Eric Best, John Wade and Robert Benson (collectively, the "ITEX Defendants"), by their attorneys, will move this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 14C, at a date and time to be determined by the Court, for an Order dismissing the Verified First Amended Complaint with prejudice under Federal Rules of Civil Procedure 8, 12(b)(2) and 12(b)(6).

Dated: New York, New York
June 9, 2014

FRANKFURT KURNIT KLEIN & SELZ, P.C.

/s/ Jeremy S. Goldman

Edward H. Rosenthal

Jeremy S. Goldman

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